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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,373	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24735	5134

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EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,373

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., US Pat. No. 5,978,773 in view of Browning, US Pat. No. 6,081,629.

2. Hudetz discloses a method for [operating] a web browser application on a user's computer, comprising the steps of:

providing a browser application on the user's computer that is [executable] in response to predetermined browser inputs being received by the user's computer, which predetermined browser inputs comprise a set of user computer inputs that are operable to be interfaced to computer inputs that are operable to be interfaced to computer peripherals (col. 3, line 16 – col. 4, line 30 and col. 11, line 40 – col. 12, line 10);

providing a non-browser input that is not a portion of the set of predetermined browser inputs for generating an input signal that is not part of the set of computer inputs (col. 3, line 16 – col. 4, line 30);

converting the non-browser input in an interface device to simulate as a simulated browser input to the user's computer one or more of the predetermined browser inputs as a simulated browser input to the user's computer (barcode data is converted to simulate a

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predetermined browser input, e.g. a URL input from a keyboard; col. 3, line 16 – col. 4, line 30);
and

[executing] the web browser on the user's computer over a connection established with this simulated browser input and, in response thereto, accessing information on a network (col. 3, line 16 – col. 4, line 30 and col. 11, line 40 – col. 12, line 10).

However, Hudetz does not explicitly teach a method for “launching” (i.e. opening and not merely “executing” a browser application) a browser application. In the same field of endeavor, Browning teaches a network device which takes as input non-browser input, and in response launches a web browser in a manner analogous to user input from a keyboard (See Browning, col. 3, line 45 – col. 5 line 26 and col. 5, lines 27-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of non-browser inputs to launch a web browser as taught by Browning into the system of Hudetz for the purpose of automating the system to enhance the ease of use and efficiency.

3. As to claims 2 and 3, Hudetz-Browning teaches the invention substantially as claimed. Hudetz teaches providing a first portion of the non-browser input that is generated local and external to the user's computer at the user's location and providing a second portion of the non-browser input that is retrievable from a separate location than the first portion; and combining the first and second portions to provide the non-browser input (Hudetz, col. 7, line 1 – col. 8, line 46).

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4. As to claim 4, Hudetz-Browning teaches a method wherein the step of providing the second portion comprises retrieving the second portion for a location on the network by accessing the network from the user's computer to an intermediate location on the; retrieving the second portion therefrom and transferring the retrieved second portion back to the user's computer for use by the step of combining network (Hudetz, col. 7, line 1 – col. 8, line 46).

5. As to claim 5, Hudetz-Browning teaches reading a barcode (Hudetz, col. 11, line 40 – col. 12, line 10).

6. As to claim 6, Hudetz-Browning teach the step of converting comprising the step of adding additional information to the input information received from the non-browser input including a control code (Hudetz, col. 7, line 1 – col. 8, line 46 and col. 11, line 40 – col. 12, line 10).

7. Applicant's arguments filed February 12, 2003 have been fully considered but they are not persuasive.

Applicant argues limitations which are not essential to the scope of the prior art. The definiteness of the language employed must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art during the examination of this patent application since the applicant may then amend his

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claims, the thought being to reduce the possibility that after a patent is granted, the claims may be interpreted as giving broader coverage than is justified. Therefore, applicant's arguments regarding the distinction of predetermined browser inputs and non-browser inputs are not given weight as to the patentability of the claimed subject matter.

The Applicant interprets non-browser inputs as those not being standard inputs to the computer, such as the scanner. However, the scope of the claim do not require this distinction. The reading of printed URLs or other code, e.g. barcode, and generating a data input to be interpreted as browser input, as is taught by Hudetz-Browning, is within the scope of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
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May 5, 2003

